



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF LABOR STANDARDS

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Notice to Awarding Authorities for Projects Funded
through the American Recovery and Reinvestment Act

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The public works construction projects that will be funded through the American Recovery and Reinvestment Act (ARRA) are subject to the provisions of M.G.L. c. 149, §§ 26 and 27, et seq., known as the Massachusetts Prevailing Wage Law, which establishes minimum wages to be paid to employees in certain trades. Additionally, section 1606 of the ARRA provides, in relevant portion, that employees “shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.” This refers to the Federal Davis Bacon Act, which is federal law that establishes minimum wages to be paid to employees in certain trades on certain federal projects.

Persons awarding contracts for public works construction projects that are funded in whole or in part by the ARRA must comply with the provisions of both the DBA and the MA Prevailing Wage Law. Awarding authorities must obtain prevailing wage rate schedules from the Department of Labor Standards (DLS) and from the US Department of Labor, and must incorporate both sets of wage rates in the contract and require that the higher of the two rates be paid for each trade.